

IC 31-38-2

Chapter 2. Review of Proposed Restrictive Placements of Children by Local Coordinating Committees

IC 31-38-2-1

Review of restrictive placement

Sec. 1. The local coordinating committee shall review a restrictive placement of a child whenever the referring agency that proposes the restrictive placement convenes a meeting under section 2 of this chapter.

As added by P.L.1-1997, SEC.21.

IC 31-38-2-2

Convening of meeting

Sec. 2. If the referring agency is not a court, the referring agency may convene a meeting of the committee to review the restrictive placement proposed by the referring agency. However, if the referring agency is a court, the county office of family and children shall convene the meeting.

As added by P.L.1-1997, SEC.21.

IC 31-38-2-3

Chairman of committee meeting

Sec. 3. A person representing the referring agency shall act as the chairman of the committee meeting convened under section 2 of this chapter unless the members of the committee agree on another method of selecting a chairman. However, unless otherwise agreed to by the members of the committee, if the committee reviews a restrictive placement recommended by a court, the director of the county office of family and children or the director's designee shall act as chairman of the committee meeting.

As added by P.L.1-1997, SEC.21.

IC 31-38-2-4

Presence of probation officer at committee meeting

Sec. 4. If the referring agency is a court, a probation officer familiar with the proposed restrictive placement must be present at the committee meeting convened under section 2 of this chapter when the restrictive placement proposed by the court is being considered.

As added by P.L.1-1997, SEC.21.

IC 31-38-2-5

Confidential information

Sec. 5. (a) Unless prohibited by federal law, information concerning a child that is confidential to a referring agency may be disclosed to another referring agency. However, the receiving agency shall treat the information as confidential.

(b) During any time that confidential information is being disclosed or discussed, the chairman of the committee shall exclude

from the committee meeting any committee members or other persons who are not authorized to receive confidential information under subsection (a).

As added by P.L.1-1997, SEC.21.

IC 31-38-2-6

Public meetings

Sec. 6. Committee meetings convened under section 2 of this chapter are not subject to IC 5-14-1.5 and IC 5-14-3.

As added by P.L.1-1997, SEC.21.

IC 31-38-2-7

Duties of committee

Sec. 7. A local coordinating committee shall do the following whenever the committee convenes a meeting under section 2 of this chapter:

- (1) Except as provided in section 9 of this chapter, review each restrictive placement proposed by a referring agency.
- (2) Consider alternative placements or treatment plans and make recommendations to the referring agency.
- (3) Develop and recommend a long range treatment plan for the child, including a treatment plan following the child's discharge from a restrictive placement.
- (4) Exchange information concerning services for children available in the county with:
 - (A) members of the committee;
 - (B) referring agencies; and
 - (C) other community organizations.

However, confidential information concerning a child may not be disclosed except as provided in section 5(a) of this chapter.

- (5) Study the need for and availability of services for children in the county and make recommendations to the division of family and children.
- (6) Provide information concerning the committee's actions and placement recommendations to the division of family and children in the form and to the extent requested by the division of family and children.

As added by P.L.1-1997, SEC.21.

IC 31-38-2-8

Recommendations concerning placement

Sec. 8. Except as provided in section 9 of this chapter, whenever the local coordinating committee convenes a meeting under section 2 of this chapter, the committee shall review the restrictive placement proposed by a referring agency and make recommendations concerning less restrictive alternatives, if appropriate, to the referring agency before:

- (1) the placement may be made; or
- (2) the referring agency may submit its recommendation to the person authorized to make the placement.

As added by P.L.1-1997, SEC.21.

IC 31-38-2-9

Restrictive placements not required to be reviewed; orders to make recommendations

Sec. 9. (a) A local coordinating committee is not required to review the following restrictive placements:

- (1) Predispositional detention not to exceed sixty (60) days of a child charged with a delinquent act as described in IC 31-37-1 or IC 31-37-2.
- (2) Placement of a child in an inpatient psychiatric facility not to exceed thirty (30) days.
- (3) Emergency placement of a child in a shelter care facility not to exceed sixty (60) days.
- (4) Hospitalization of a child for purposes other than psychiatric care.

(b) After the expiration of the time limit set forth in subsection (a)(1), (a)(2), or (a)(3), a restrictive placement described in subsection (a)(1), (a)(2), or (a)(3) is subject to the same requirements as any other restrictive placement.

(c) If:

- (1) the referring agency has made a reasonable attempt to obtain a committee recommendation concerning the placement of a child placed under subsection (a)(1) through (a)(3); and
 - (2) the recommendation has not been received by the referring agency within ten (10) days of the expiration of the placement;
- a court with juvenile court jurisdiction may, upon petition of the referring agency, or sua sponte if the court is the referring agency, order the members of the committee to make a recommendation.

As added by P.L.1-1997, SEC.21.

IC 31-38-2-10

Duties of division of family and children

Sec. 10. The division of family and children shall:

- (1) provide information to:
 - (A) each referring agency;
 - (B) the division of mental health and addiction; and
 - (C) the department of education;concerning their duties and responsibilities under this chapter;
- (2) organize local, regional, or statewide meetings necessary to prepare referring and member agencies for participation on a local coordinating committee;
- (3) develop guidelines for local coordinating committees concerning the form and content of reports submitted to the division of family and children under this chapter;
- (4) monitor and evaluate the performance of local coordinating committees; and
- (5) make recommendations to the general assembly concerning the need for and availability of services for children in Indiana.

As added by P.L.1-1997, SEC.21. Amended by P.L.215-2001,

SEC.106.